

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-9 are now pending, wherein claims 7-9 are new.

Claims 1-6 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 2001/0037284 to Finkelstein et al. ("Finkelstein"). This ground of rejection is respectfully traversed.

It will be recognized that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."¹ Regarding claim 1, Finkelstein does not explicitly or inherently disclose an intermediary computer system that is adapted to receive substitution instructions and substitute buyers in the manner set forth in this claim.

The Office Action cites paragraphs 0073, 0074 and claim 18 of Finkelstein for the disclosure of the buyer substitution recited in Applicants' claim 1. Paragraph 0073 discloses that an essential variable term of an agreement is the right of substitution, paragraph 0074 discloses that a right of substitution can be provided as a drop down or counter box, and claim 18 recites that a record

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

identifies a right of collateral substitution. There is no disclosure in this or any other section of Finkelstein of an intermediary computer system that is adapted to "receive substitution instructions from a seller trading terminal to substitute allocated collateral," as recited in Applicants' claim 1. Furthermore, there is no explicit or inherent disclosure of a system for substituting buyers in the manner recited in Applicants' claim 1. Therefore, Finkelstein cannot anticipate Applicants' claim 1.

Claims 2-6 are patentably distinguishable over Finkelstein at least by virtue of their dependency from claim 1.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-6 for anticipation be withdrawn.


New claim 7 recites a method for managing collateral allocation and substitution in general collateral repurchase agreements and is believed to be patentably distinguishable over Finkelstein for at least those reasons set forth above in connection with claim 1. New claims 8 and 9 are patentably distinguishable over Finkelstein at least by virtue of their dependency from claim 7.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102636.57988US).

Respectfully submitted,

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